

## REMARKS/ARGUMENTS

### **I. Formal Matters**

Claims 1, 4-19 are currently pending in this application. Claims 1, 7, 8, 10, 11, 12, 16, and 17 are currently amended. Claims 18 and 19 are newly added.

### **II. Claims**

Claims 7 and 8 are objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and/or, cannot depend from any other multiple dependent claims in the alternative only.

Claim 7 has been amended to incorporate the subject matter of claim 5 and to depend only from claim 1. New claim 18 incorporates the subject matter of claim 6 and depends only from claim 1. Claims 8 and 19 depend only from claims 7 and 18, respectively. Thus upon entry of said amendments, compliance with 37 C.F.R. 1.75(c) is made, and withdrawal of the objection to claims 7 and 8 is respectfully requested.

Claims 1, and 4-17 are objected to because claim 1 recites "to be distributed by said utility," while the body of the claim never recites the distribution step. Claim 1 is amended to more particularly recited Applicant's invention, and withdrawal of the objection to claims 1, and 4-17 is respectfully requested.

Claim 1 is rejected under 35 U.S.C § 112, 2<sup>nd</sup> paragraph. Claim 1 has been amended to recite, "the utility company." Withdrawal of the rejection of claim 1 for insufficient antecedent basis is thus proper, and respectfully requested. Claim 1 has been amended to recite, in part, "gas in relatively large quantities by a gas utility company." Said amendment is fully taught and supported in the specification, for example at paragraph [0002], and is well within the understanding of one of ordinary skill in the art, thus withdrawal of the rejection of claim 1 under 35 U.S.C § 112, 2<sup>nd</sup> paragraph is respectfully requested and asserted as being proper.

Claims 1, 4-6, 9-10, and 14-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chandra et al. (U.S. Patent Application Publication No. 20010032197) in view of Johnson et al. (U.S. Patent No. 6,598,029), Collins (U.S. Patent No. 3,661,542), Chichilinsky (WO 00/08567) and Shao et al. (U.S. Patent No. 7,191,150).

Chandra teaches a system for providing a commodity to multiple users, comprising a transaction hub, and storage for information on supply and storage for information on demand for the given commodity by multiple users. More particularly, Chandra teaches, that **the process begins with enrollment 110 of a customer in an interaction** represented by transactions 13 and 14 ([0039]). Further, according to Chandra, the customer chooses the product (including specifications) and provides contact, service, delivery and billing information ([0039]). Transaction hub 1 processes the customer enrollment in step 130 using the enrollment engine 21 and informs the local distribution company 7 **that customer 3 or 4 has switched supplier** ([0041]; Figs. 6A, 6B).

Further, Chandra teaches that marketing channel or partner 2 is any entity **marketing goods or services to end customers** ([0018]; Figs. 6A, 6B). In step 210, the **marketing channel 2 collects the billed amounts from customer 3 or 4**, as taught by Chandra ([0049]).

In contrast, claim 1 requires, "collecting payments by said intermediary entity from said utility company for gas delivered to the utility company's customers in accordance with a sales contract between said utility company and said intermediary entity."

The Examiner cites to Chandra at [0046]-[0049] as teaching this required claim element (OA page 3). Chandra fails to teach an intermediary collecting payment from a utility company for gas delivered to the utility company's customers in accordance with a contract. At [0046], Chandra teaches that a local distributor 7 supplies transaction hub 1 with actual amounts of power/gas delivered as well as charges from the local distributor itself. Transaction hub 1 remits payment or pays the local distributor. Payment to the distributor may occur before or after collection of funds from the marketing channel or (directly) from customers 3 or 4 ([0046]). Chandra does not teach,

Therein, Chandra fails to teach or suggest, "collecting payments by said intermediary entity from said utility company for gas delivered to the utility company's customers in accordance with a sales contract between said utility company and said intermediary entity."

Secondary reference Johnson fails to compensate for this deficiency. Instead Johnson teaches, an auction service which stimulates competition across energy suppliers.

Secondary reference Collins fails to compensate for this deficiency. Instead Collins teaches, Apparatus and method for "peak shaving" storage of gas in a gas distribution system

wherein the pressure varies from a maximum when demand is low to a minimum when demand is high.

Secondary reference Chichilinsky fails to compensate for this deficiency. Instead Chichilinsky teaches allocation of risk and bundling an insurance contract with a derivative security.

Secondary reference Shao fails to compensate for this deficiency. Instead Shao teaches, a predictive model, for example a neural network, evaluates individual debt holder accounts and predicts the amount that will be collected on each account based on learned relationships among known variables.

Therefore, neither alone nor in combination do Chandra, Johnson, Collins, Chichilinsky, and Shao teach or suggest “collecting payments by said intermediary entity from said utility company for gas delivered to the utility company’s customers in accordance with a sales contract between said utility company and said intermediary entity.” At least for this deficiency the rejection of claim 1 as being unpatentable over Chandra in view of Johnson, Collins, Chichilinsky, and Shao under 35 U.S.C. § 103(a), should be withdrawn.

Claims 4-6, 9-10, and 14-17 are asserted as being patentable at least by virtue of their dependence upon an allowable claim.

Claims 11-13 are rejected under 35 U.S.C. § 103(a) over Chandra in view of Johnson, Collins, Chichilinsky, and Shao as applied to claims 1, 4-6, 9-10, and 14-17, and further in view of Mandler (U.S. Patent No. 5,732,400).

Claims 11-13 depend directly or indirectly from claim 1 and hence require each and every element of claim 1. As demonstrated above, the combination of Chandra, Johnson, Collins, Chichilinsky, and Shao fail to teach or suggest, “collecting payments by said intermediary entity from said utility company for gas delivered to the utility company’s customers in accordance with a sales contract between said utility company and said intermediary entity.”

Secondary reference Mandler fails to compensate for this deficiency. Instead, Mandler teaches, a risk-based discount fee as a function of the buyer’s risk classification in order to establish a payment amount to the seller from the clearinghouse.

Therefore, neither alone nor in combination, do Chandra, Johnson, Collins, Chichilinsky, Shao, and Mandler teach or suggest, “collecting payments by said intermediary

entity from said utility company for gas delivered to the utility company's customers in accordance with a sales contract between said utility company and said intermediary entity." At least for this deficiency the rejection of claims 11-13 as being unpatentable over Chandra in view of Johnson, Collins, Chichilinsky, Shao, as applied to claims 1, 4-6, 9-10, and 14-17, and further in view of and Mandler under 35 U.S.C. § 103(a), should be withdrawn.


New claims 18 and 19 depend from claim 1 and are believed to be patentable over Chandra, Johnson, Collins, Chichilinsky, Shao, and Mandler at least for requiring, "collecting payments by said intermediary entity from said utility company for gas delivered to the utility company's customers in accordance with a sales contract between said utility company and said intermediary entity."

Favorable reconsideration of this application, as presently amended and in light of the Remarks above, is respectfully requested.

Applicant hereby authorizes the Commissioner to charge any fees due but not submitted with this paper to Deposit Account No. 07-0153. If any issues remain that the Examiner feels could be addressed by telephone, the Examiner is respectfully requested to call Applicant's Attorney at the number provided below.

Respectfully submitted,

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